

Applicant : Wolf Bertling et al.
Serial No. : 10/049,693
Filed : June 17, 2002
Page : 3 of 4

Attorney's Docket No.: 10848-019001 / 412045GA-go

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claims 17 and 18 were canceled herein without prejudice to continued prosecution. Claims 11-16 and 19 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §112 Rejections

Claims 17 and 18 stand rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that those claims fail to comply with the written description requirement.

Without acquiescing to the Examiner's rejection, Applicants have herein canceled claims 17 and 18 without prejudice to continued prosecution. Therefore, Applicants respectfully submit that the rejection of claims 17 and 18 under 35 U.S.C. §112, first paragraph, is moot.

The 35 U.S.C. §102 Rejections

Claims 11-16 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bamdad (WO 98/31839). The Examiner asserted that Bamdad anticipates the claimed invention because Bamdad teaches a process for identifying a biopolymer. The Examiner asserted that the process taught by Bamdad is identical to the process of claim 11. This rejection is respectfully traversed.

Contrary to the Examiner's assertions, Bamdad does not teach each and every element of the process of claim 11. Claim 11 recites that the first biopolymer (i.e., an anti-counterfeiting mark) is applied to a first substrate "as a layer with electro-active metal atoms, ions, clusters or complex molecules..." Claim 11 also recites that the second biopolymer, which is used to contact the first biopolymer, is "applied as a layer with electro-active metal atoms, ions, clusters or complex molecules." This feature of layering the first and second biopolymers with electro-active metal atoms, ions, clusters or complex molecules is used to amplify the signal, and is described, for example, on page 3, lines 3-6; on page 3, lines 5-11; and in the paragraph bridging pages 4 and 5 of the specification.

Bamdad does not teach or suggest that layers be used with a first and second biopolymer. In fact, the first biopolymer of Bamdad is bound directly on a gold-coated electrode, and is certainly not applied as a layer as is required by Applicants' claim. Bamdad also does not teach

Applicant : Wolf Bertling et al.
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Page : 4 of 4

Attorney's Docket No.: 10848-019001 / 412045GA-go

or suggest that the second biopolymer is applied as a layer. As Bamdad does not teach each and every element of the pending claims, the pending claims are not anticipated by Bamdad.

In view of the remarks herein as well as the remarks on record from Applicants' previous Responses, Applicants respectfully request that the rejection of the pending claims under 35 U.S.C. §102(b) be withdrawn.

The 35 U.S.C. §103 Rejections

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bamdad in view of Kell et al. (U.S. Patent No. 4,80,650).

Without acquiescing to the Examiner's rejection, claim 17 has been canceled without prejudice to continued prosecution. Therefore, Applicants respectfully submit that the rejection of claim 17 under 35 U.S.C. §103(a) is moot.

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bamdad in view of Pfab et al. (U.S. Patent No 5,018,527). This rejection is respectfully traversed.

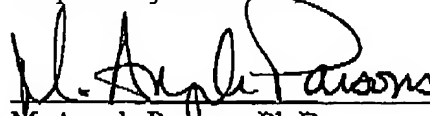
Claim 19 depends from claim 11. As indicated above, Bamdad does not teach or suggest that the first and second biopolymers are applied as a layer as the pending claims recite. Pfab et al. also does not teach or suggest this layering feature recited in the pending claims. Therefore, alone or in combination, neither Bamdad nor Pfab et al. teach or suggest the claimed process. In view of the remarks herein, Applicants respectfully request that the rejection of claim 19 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Applicants respectfully submit that claims 11-16 and 19 are in condition for allowance. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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